

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BARRY WHITTAKER, #188769,

Petitioner,

Case Number: 2:06-CV-15679

v.

HON. ANNA DIGGS TAYLOR

BLAINE LAFLER,

Respondent.

ORDER DENYING PETITIONER’S MOTION FOR DISCOVERY

Petitioner Barry Whittaker has filed a *pro se* petition for a writ of habeas corpus challenging his convictions for felonious assault and domestic violence. Now before the Court is Petitioner’s Motion for Discovery.

Petitioner seeks an order directing Respondent to provide the Court with a copy of the tape recording of the victim’s 911 call. Rule 6(a), Rules Governing Section 2254 Cases, provides, in pertinent part:

A party shall be entitled to invoke the processes of discovery available under the Federal Rules of Civil Procedure if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise.

Rule 6(a), Rules Governing Section 2254 Cases. “The burden of demonstrating the materiality of information requested is on the moving party.” Stanford v. Parker, 266 F.3d 442, 460 (6th Cir. 2001). Respondent has filed portions of the state court record in accordance with Rule 5, Rules Governing Section 2254 Cases. The Court determines that no further materials are necessary at this time for a fair disposition of the habeas corpus petition.

Accordingly, **IT IS ORDERED** that Petitioner's Motion for Discovery [dkt. # 9] is
DENIED.

DATED: March 27, 2008

s/Anna Diggs Taylor
ANNA DIGGS TAYLOR
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on March 27, 2008.

Barry Whitaker, #188769
Camp Lehman Correctional Facility
5135 Hartwick Pines Road
Grayling, MI 49738

s/Johnetta M. Curry-Williams
Case Manager